

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

FARAH NOERAND,

*Plaintiff,*

v.

BETSY DEVOS, in her official capacity as  
Secretary of the United States Department of  
Education,

And

THE UNITED STATES DEPARTMENT OF  
EDUCATION

*Defendants.*

No. 1:20-cv-11271-LTS

**JOINT STATUS REPORT**

Pursuant to the Court's order of August 6, 2020, ECF# 22, the Parties submit this joint status report regarding scheduling for the remainder of the case.

As noted in the Parties' prior status report submitted August 5, 2020, ECF# 21, undersigned counsel for Plaintiff was informed on August 4, 2020 that the Massachusetts Attorney General was considering filing a related action seeking to enjoin the Interim Final Rule on behalf of the Commonwealth of Massachusetts. After further discussion, on August 20, 2020, undersigned counsel for Plaintiff was informed that the Massachusetts Attorney General intends to file such an action during the week of August 24, 2020, and to seek preliminary injunctive relief at the time of filing or shortly thereafter.

Because the Commonwealth will be situated differently from Plaintiff with respect to moving for injunctive relief – and because Plaintiff has requested relief that would affect

educational institutions across Massachusetts – the Parties believe that concerns of judicial economy may counsel delaying a decision on the scope of the preliminary injunction at this time. On the other hand, Defendant does not know what the Commonwealth will allege or when they will file their lawsuit. To avoid delay, Defendant stands ready to file a brief on the scope of injunctive relief by Monday, August 31, 2020, and either answer or move to dismiss the Complaint by September 8, 2020, and can do so unless the Parties agree, after the Commonwealth files its lawsuit, that it would make more sense to wait or take another action based on what is alleged and requested by the Commonwealth. As such, the Parties propose:

- 1) Defendant will file a brief of not more than ten pages on the scope of the current preliminary injunction by August 31, 2020, to which Plaintiff shall respond with a brief of not more than seven pages by September 8, 2020, unless the parties decide to propose a different schedule after the Commonwealth files its lawsuit;
- 2) Defendant will answer or move to dismiss the Complaint by September 8, 2020, unless the parties decide to propose a different schedule after the Commonwealth files its lawsuit; and
- 3) the Parties can assess the situation after the Commonwealth files its lawsuit and file an additional motion to change this schedule if necessary.

Respectfully submitted,

FARAH NOERAND

By her attorneys,

/s/ Rachel C. Hutchinson

Dean Richlin (Bar Roll No. 419200)

Jeremy W. Meisinger (Bar Roll No. 688283)

Rachel C. Hutchinson (Bar Roll No. 696739)

FOLEY HOAG LLP

155 Seaport Boulevard

Boston, Massachusetts 02210

Telephone: (617) 832-1000

Facsimile: (617) 832-7000

ehutchinson@foleyhoag.com

Iris Gomez (Bar Roll No. 201000)

Deirdre M. Giblin (Bar Roll No. 566547)

MASSACHUSETTS LAW REFORM INSTITUTE

40 Court Street, Suite 800

Boston, MA 02108

ELISABETH DEVOS, SECRETARY OF THE  
UNITED STATES DEPARTMENT OF  
EDUCATION, AND THE UNITED STATES  
DEPARTMENT OF EDUCATION

By their attorney,

Andrew E. Lelling

United States Attorney

By:

Annapurna Balakrishna (Bar Roll No. 655051)

Assistant United States Attorney

United States Attorney's Office

1 Courthouse Way – Suite 9200

Boston, MA 02210

Telephone: 617-748-3111

Annapurna.balakrishna@usdoj.gov

Dated: August 21, 2020

**Certificate of Service**

I hereby certify that on August 21, 2020, I electronically transmitted the attached document to the Clerk of the Court using the Electronic Case Filing System for filing. Based on the records currently on file in this case, the Clerk will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

/s/ Rachel C. Hutchinson

Rachel C. Hutchinson